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Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

In re

SIMPLY MAC, INC.,

Debtor.

Bankruptcy No. 22-22239 (KRA)

Chapter 7

**EX PARTE MOTION FOR ORDER PERMITTING EXAMINATION
OF EV TOYS, LLC UNDER RULE 2004**

George Hofmann (the "Trustee"), the duly appointed, qualified, and acting trustee of the bankruptcy estate of Simply Mac, Inc. (the "Debtor"), respectfully represents:

1. The Debtor commenced this case under Chapter 7 of the Bankruptcy Code by filing a voluntary petition on June 14, 2022 and the Trustee was duly appointed as Chapter 7 Trustee of the Debtor's estate (the "Estate").

2. Federal Rule of Bankruptcy Procedure 2004 provides in pertinent part:

(a) *Examination on Motion*. On motion of any party in interest, the court may order the examination of any entity.

(b) *Scope of Examination*. The examination of an entity under this rule or of the debtor under § 343 of the Code may relate only to the acts, conduct, or

property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. . . .

3. The Trustee desires to take the Rule 2004 examination of EV Toys, LLC in order to preserve and protect the assets of the Estate and to investigate potential claims of the Estate, together with any other matter which may affect the administration of the Debtor's estate.

4. The Debtor and EV Toys, LLC were parties to that certain Licensing, Supply and Services Agreement, dated December 27, 2021, whereby EV Toys, LLC engaged the Debtor to establish brick-and-mortar retail stores under the trade name "Simply EV." Upon the Debtor's commencement of these Chapter 7 proceedings, EV Toys, LLC took control of the brick-and-mortar stores and the Trustee believes, certain assets (equipment, inventory, etc.) that are the property of the Estate.

5. EV Toys, LLC will receive not less than fourteen (14) days written notice of the examination and attendance of EV Toys, LLC for examination and the production of documents (if sought) will comply with Fed. R. Bankr. P. 2004(c).

WHEREFORE, the Trustee requests that he be authorized to examine EV Toys, LLC in accordance with the provisions of Federal Rule of Bankruptcy Procedure 2004.

Dated: October 6, 2023

COHNE KINGHORN, PC

/s/ Matthew M. Boley
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